

Mr. Key had entered into a comprehensive and satisfactory review, as well of the just interpretation of the Constitution as it is, as also of the reasons why it is so; and shows us the propriety, if not the necessity, that existed with the framers of the Constitution, to submit to the States the power to define the qualifications of voters, while they retained the exclusive power of defining the qualifications of the persons to be elected. The Convention must, therefore, excuse a liberal extract from Mr. Key's argument. Here it is:

"Let it be remembered that the Convention who formed the Constitution of the United States had met to form a National Government, and that the right of suffrage presented itself clothed with great difficulties, no two States having precisely the same qualifications. In the State of Virginia a freehold qualification was necessary to entitle a citizen to vote. In some States a certain amount of personal property was necessary; in others, universal suffrage prevailed; in some was combined, with the elective franchise, a longer or shorter period of previous residence, of age; and one permitted a certain class of females to votes. From this view of the elective franchise, may at once be perceived the difficulties under which the Convention acted, and the almost impossibility of a uniform qualification: for, had the Convention adopted, as a uniform rule, the qualifications prescribed in any one State, it would have violated the habits and practice of almost every other State. To avoid this difficulty in a government founded on compromise, and to go into operation on the subsequent adoption and approbation by the citizens, a most happy expedient was devised, which was, to give to the electors in each State for Representatives to Congress the same qualifications that were requisite for the most numerous branch of the State Legislatures. This could not fail to be acceptable to each State, because it adopted the usage of each State. Our patriot Convention conformed, as far as was practicable, to the wishes of the several States, and this spirit of compromise pervading the Constitution of the United States was the pledge of its adoption."

"The Constitution begins: 'We, the people of the United States;' and the Constitution having defined the qualifications of the electors, it proceeds to define those of the Representatives, or elected. It was surely competent to the Convention, who represented the people of the United States, to say what qualifications their agent, representative, or law maker should possess, and they accordingly fix three. 1st. That he shall be above the age of twenty-five. 2d. Seven years a citizen of the United States. And 3d. An inhabitant, when elected, of the State in which he shall be chosen. Uniformity could not, I have shown, be obtained as to the qualification of the electors; but it was most desirable in the elected, and as it could easily be obtained, is accordingly specified in the Constitution; and the expression of these qualifications in the Constitution, is the exclusion of all others; so to define the qualifications of the elected, was within the power of the Conven-

tion, was their duty, and is set forth in the Constitution itself."

"If the doctrine of reserved powers applies to one case, so they do to the other. What would be the absurd consequence of investing the State sovereignties with power to add other qualifications to the President. The nine small States might add qualifications of age, residence or property, and the eight large States, from their numbers, might elect a President without any of the qualifications limited by the majority of the States. What a singular phenomenon this would produce! A President elected by a large majority of the electors, without the qualifications prescribed by a majority of the States! An argument producing such absurdities need not be pressed further."

Mr. BOWIE, in his seat. That is mere assumption.

Mr. C. If the gentleman will but read the argument of Mr. Key, I predict that, in despite of his deep-rooted prejudices, he will be convinced by it, at all events I am content to stand upon these authorities as a support to the argument I have advanced. There is one other speech in that debate to which I will refer, not so much for the able argument it contains as for the particular illustration employed by the speaker. Mr. Howard, alluding to what had been urged on the other side, said, "While gentlemen contend for this rule of construction, they ought to be aware of its operation when applied to other sections of the constitution couched in the same terms. Apply it to the section which prescribes the qualifications of your Senators, and if gentlemen be correct, the States have the power to enlarge the qualifications of a Senator, to say, for instance, that he shall have attained the age of thirty-five instead of thirty, or that he shall have been fifteen years a citizen of the United States instead of nine, as required by the Constitution; or *what would be still more absurd*, that a State has the power to add a *new qualification* that no person should be eligible to the Senate, unless he resided in a particular part of the State designated by the law itself."

There were no prophets in those days, for it was then supposed to be impossible to entertain a proposition, which now in its most extreme extent is gravely advocated. The gentleman must perceive that the rejection of his proposition may lead to embarrassing misconceptions of the causes which occasioned its defeat, and thereby promote a practice which it is his object to restrain, and as a decided majority of the Convention are convinced that we have not the constitutional power to adopt it, I hope, said Mr. C., the gentleman will withdraw it.

Mr. BOWIE said that he had certainly seen nothing in the argument of the gentleman from Kent, (Mr. Chambers,) or of Mr. Key, to which that gentleman had referred, and which had been reproduced in this discussion by the gentleman from Frederick (Mr. Thomas) to induce him to change his opinion.

Mr. THOMAS stated that he had not read that.